

REMARKS

Applicants' representative spoke with the Examiner in a telephonic conversation on March 10, 2008, to discuss the rejection of independent claim 105. After reviewing the rejection, the Examiner suggested on March 14, 2008, that Applicants' representative formally submit remarks for review, at which point the Examiner would make an appropriate response. Such remarks are accordingly set forth below.

Claims 25, 54, and 62-105 were presented for examination in this application and were finally rejected in the Office Action of December 27, 2007.¹ Applicants request reconsideration of the rejection of claim 105 because it fails to address each of the elements recited by the claim, as further discussed below.

Independent claim 105 recites, in relevant part, a method to order search results, comprising:

determining client-side behavior data associated with an article **stored in a client device**;

...

storing the predetermined client behavior score in a data store **in the client device**, wherein the data store associates the predetermined client behavior score with the article;

...

Thus, the claimed invention specifically recites determining client-side behavior data associated with an article stored in a client device, and storing the behavior score in a data store in the client device.

The rejection of claim 105 based on Uchiyama fails to make any reference to such features. Rather, the examiner grouped claim 105 with claims 25, 54, and 104 and rejected all four claims

¹ Claims 26 and 55, also listed as rejected, had previously been canceled.

based on an analysis of claim 25. However, claim 25 does not recite that the article is stored in a client device or that the behavior score is stored in a data store in the client device. Thus, the rejection completely fails to address several elements recited by claim 105.

Nor does Uchiyama in fact disclose such features. Rather, Uchiyama deals with monitoring a user's browsing activity with respect to remote web sites and aggregating the resulting data on a server. (See, e.g., Uchiyama paragraph 0012, which states that "[d]uring the aggregation process, data collected by the distributed monitoring system are categorized and organized in a **central database** for convenient retrieval"). Thus, Uchiyama fails to determine behavior data *associated with an article stored in a client device* and to store a score *in a data store in the client device*, as claimed.

Accordingly, Uchiyama clearly does not disclose claim features recited in claim 105 and thus the current rejection is improper. To avoid consuming resources of both the Office and the Applicants on an appeal of a rejection that is clearly erroneous, the examiner is requested to reconsider the rejection of claim 105. If the examiner believes for any reason that direct contact would help advance the prosecution of this case to allowance, he is encouraged to telephone the undersigned at the number given below.

Respectfully submitted,
Stephen Lawrence et al.

Dated: March 17, 2008 By: /Christopher King/

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